

## Exhibit 3

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE:

EX PARTE APPLICATION OF  
KUWAIT PORTS AUTHORITY FOR AN  
ORDER TO OBTAIN DISCOVERY FOR  
USE IN FOREIGN PROCEEDINGS  
PURSUANT TO 28 U.S.C. §1782

Case No. \_\_\_\_\_

**[PROPOSED] ORDER**

Upon consideration of the *ex parte* application of the Kuwait Ports Authority ("KPA") for an order to obtain discovery for use in foreign proceedings pursuant to 28 U.S.C. § 1782 ("**Application**") and all papers submitted in support thereof, the Court finds that (1) the statutory requirements of 28 U.S.C. § 1782 are satisfied; and (2) the discretionary factors identified by the U.S. Supreme Court in *Intel Corp v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004) weigh in favor of granting the Application.

It is therefore ORDERED that the Application is GRANTED. The clerk is ordered to issue the subpoenas and KPA is authorized to serve the draft subpoenas annexed as Exhibits 1-2 to the Declaration of Jonathan C. Cross upon (1) Citibank N.A. ("**Citibank**"); and (2) E-Trade Financial Corporation ("**E-Trade**"). Citibank and E-Trade are directed to respond to such subpoenas pursuant to all applicable rules.

- remainder of page intentionally blank -

**SO ORDERED.**

Dated:

---

United States District Judge